

FILED

2008 FEB -4 PM 4:44

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SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

# 147220 - SR

February 04, 2008  
16:31:14

**Habeas Corpus**

USAO #: 08CV0018 HABEAS

Judge.: MARILYN L HUFF

Amount.: \$5.00 CA

**Total-> \$5.00**

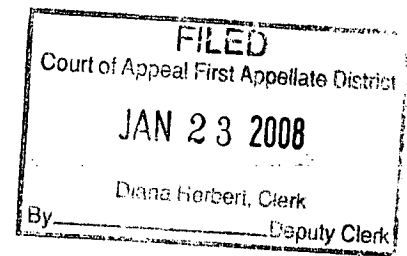
FROM: SILVEYRA V. PEOPLE OF THE  
STATE OF CA.  
HABEAS

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO



In re ANTONIO SILVEYRA  
on Habeas Corpus.

A120408

(Marin County  
Super. Ct. No. SC 156870A)

BY THE COURT:

The petition for writ of habeas corpus is denied.

Dated: JAN 23 2008 KLINE, P. J. P.J.

A120408

Antonio F. Silveyra  
CDC:F08955  
ICE Detention Center  
1115 N. Imperial Avenue  
El Centro, CA 92243

**NOTICE**

***Please include both the appellate case number and the division number on any written communication or filing submitted to this court.***

**Our website address is  
<http://appellatecases.courtinfo.ca.gov>**

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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 ANTONIO F. SILVEYRA,

12 Petitioner,

13 vs.

14 PEOPLE OF THE STATE OF  
15 CALIFORNIA,

Respondent.

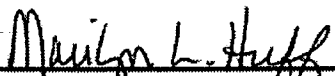
CASE NO. 08-CV-0018 H (NLS)

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

16 Petitioner Antonio F. Silveyra, a detainee in the custody of the Department of Homeland  
17 Security, Bureau of Immigration and Customs Enforcement, proceeding pro se, filed a petition for  
18 writ of habeas corpus pursuant to 28 U.S.C. § 2241, but has not paid the \$5.00 filing fee and has  
19 not moved to proceed in forma pauperis. (Doc. No. 1.) A petition for writ of habeas corpus must  
20 be accompanied by either a \$5.00 filing fee or an application to proceed in forma pauperis. See  
21 Local Rule 3(a), 28 U.S.C. § 2254. The case is therefore dismissed without prejudice. If  
22 Petitioner wishes to proceed he must submit a copy of this Order with the \$5.00 fee or adequate  
23 proof he cannot pay the fee **no later than March 11, 2008**. For Petitioner's convenience a blank  
24 request to proceed in forma pauperis form is included with this Order.

25 IT IS SO ORDERED.

26 DATED: January 9, 2008

27   
28 MARILYN L. HUFF, District Judge  
UNITED STATES DISTRICT COURT

ANTONIO F. SILVEYRA-GARCIA  
A#18499789

January 29, 2008

ICE Detention Center  
1115 N. Imperial Avenue  
EL CENTRO, CA 92243

U.S. District Court – Southern District  
Honorable Judge Marilyn L. Huff  
Office of the Clerk  
880 Front Street  
San Diego, CA 92107

Re: Case No. 08-CV-0018 H (NLS)

Dear Honorable Judge Huff:

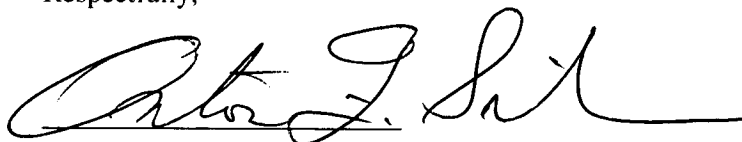
Enclosed please find a copy of this Order with the \$5.00 fee due no later than March 11, 2008. Also included is the Order of the Court of Appeal First Appellate District to be added to the record. The petition was denied without an explanation.

I come from a poor family that consists of mother who is living on a pension and who suffering from a brain tumor and Alzheimer's. My only sibling is on disability, suffering from NASH, a rare non-alcoholic terminal form of cirrhosis of the liver. She recently had her thyroid gland and gallbladder removed because of complications due to her victimization in senseless shooting several years ago.

I have 3 minor children under the age of thirteen. All are girls who need their father. They are all currently relying on my mother and sister for support in my absence. This situation will soon change as my loved ones are very sick and cannot continue to contribute to the well being of my U.S. born children.

I have been accepted to San Francisco State University and to Teen Challenge Discipleship Program. I have a place to live and the support of my community. My family needs me and will suffer irreparable harm if I am removed as a result of a plea of guilty, made in ignorance of these nasty immigration consequences. Please help if it is in your power to do so.

Respectfully,

A handwritten signature in black ink, appearing to read 'Antonio F. Silveyra-Garcia', with a long horizontal flourish extending to the right.

Antonio F. Silveyra-Garcia